

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

RAYMOND E. FOWLER,

Petitioner-Appellant.

v.

No. 98-6700

RONALD J. ANGELONE, Director,

Respondent-Appellee.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Richmond.  
Richard L. Williams, Senior District Judge.  
(CA-97-356-3)

Submitted: September 30, 1998

Decided: October 20, 1998

Before ERVIN, LUTTIG, and WILLIAMS, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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**COUNSEL**

Raymond E. Fowler, Appellant Pro Se. Eugene Paul Murphy,  
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Rich-  
mond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

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## OPINION

### PER CURIAM:

Raymond E. Fowler appeals from a district court order that concluded his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) was barred by the one-year limitations period of 28 U.S.C.A. § 2244(d)(1) (West Supp. 1998). Fowler's conviction became final in 1990, and he executed his petition on April 1, 1997; it was received in the district court on April 18, 1997. Fowler had until April 23, 1997 to file his § 2254 petition. See Brown v. Angelone, 150 F.3d 370 (4th Cir. 1998). Therefore, his petition was not time barred. For these reasons, we grant a certificate of appealability on this issue, vacate the district court's order, and remand for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

### REMANDED